

FILED BY JE D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF T. MEMPHIS

JAMES I. BURLISON, RODNEY L.
WAITS, and BUFORD O'NEAL
TANKERSLEY,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 04-2597 M1/P

ORDER FOLLOWING PRETRIAL CONFERENCE AND ORDER GRANTING
PLAINTIFFS' MOTION FOR CONTINUANCE

The Court held a pretrial conference in this cause on October 18, 2005. Appearing for Plaintiffs was J. Houston Gordon. Representing Defendant was Gary A. Vanasek. At the conference, the Court allowed argument on the pending motion for summary judgment. Pursuant to the conference, after discussion with counsel, the Court ordered the following:

The parties may conduct further discovery. It is anticipated that they will depose Mr. Milton Rice, Mr. Cyburn Sullivan, III, and Ms. Roseanne Christ and will submit the depositions to the Court, thus completing the record.¹ Additionally, Plaintiffs will

¹It appears, based on discussion with counsel, that all evidence in this case can be submitted without the necessity of in court testimony.

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submit further briefing on the question of an easement of necessity. All materials from Plaintiffs should be submitted to the Court by January 6, 2006. Responsive materials shall be submitted by January 16, 2006.

The Court GRANTS Plaintiffs' Motion for Continuance of the Trial Date. The Court will review the parties' submissions² and will hold final argument in this matter on January 23, 2006, at 9:30 a.m.

So ORDERED this 19 day of October, 2005.



JON P. McCALLA
UNITED STATES DISTRICT JUDGE

²The submissions, by agreement of counsel, will be in lieu of a trial, thus allowing the Court to resolve all issues in the submitted record, including any issues of credibility. If, on reflection, either party objects to this procedure, the Court will hear live testimony on any issue the parties think is appropriate.



Notice of Distribution

This notice confirms a copy of the document docketed as number 63 in case 2:04-CV-02597 was distributed by fax, mail, or direct printing on October 19, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT